

CONCURRENCE COPY

DEC 7 1988

Ref: 8WM-C

Mr. Fred Pehrson, Chief  
Permits and Compliance Section  
Bureau of Water Pollution  
Utah Department of Health  
P.O. Box 16990  
Salt Lake City, Utah 84116-0960

Re: 304(1), Status of ICS

Dear Mr. Pehrson:

As you are aware the deadline for preparing the 304(1) lists and individual control strategies (ICS) is fast approaching. By February 4, 1989, we will need the final 304(1) lists and ICS for all listed point sources of toxic pollutants. Preparations for the 304(1) lists appear to be well under way as addressed in our November 10, 1988 letter from Max Dodson, detailing the current status of the 304(1) lists. The status of ICSs is much less clear. With this letter we plan to clarify the status of ICSs

Because of this uncertainty and Headquarter's interest in 304(1) facilities, we are currently developing an ICS tracking system. With this letter we are requesting an update on the status of each the State's ICSs. A preliminary list of your ICSs has been attached. As necessary, please add or delete ICSs, and indicate the type of ICS that will be submitted to meet the February 4, 1989 deadline. An example of the information we are requesting is also enclosed. We would appreciate your response by December 13, 1988.

Please note that acceptable ICSs have been defined in the proposed regulations as (1) an issued NPDES permit and supporting documentation (WLAs, TMDLs, permit statement of basis); (2) a draft NPDES permit, a timetable for issuing the permit and the documentation mentioned in (1) above; or (3) a CERCLA (Superfund) decision document. In addition, any 304(1) permit conditions must require compliance by no later than June 4, 1992.

The permit review process will be modified for minors which are 304(1) facilities. Any ICSs for minors must be submitted to the Regional office for review. At a minimum, the same procedures currently used for submitting majors for review should be used. The review process for 304(1) majors remains unchanged. If possible, we would like to see the draft ICSs (permits) before they go to public notice.

If you have any question regarding this letter or 304(1) ICSs, please contact Ms. Dana Allen of my staff at (303) 293-1593.

Sincerely yours,

Patrick J. Godsil  
Chief, Compliance Branch  
Water Management Division

Enclosures

cc: Reed Obendorfer  
FCD:December 5, 1988:c:Dana Icstrack.1:jag

PERMIT NAME	NPDES PERMIT NUMBER	WATERBODY	POLLUTANTS OF CONCERN	TOXICS LIST	ICS LIMITATIONS	TYPE OF ICS AS OF FEBRUARY 4, 1989
UTAH						
Geneva Steel	UT-0000647	Utah Lake		307(a)		
United Park City Mine	UT-0022403	Price R./Drain Tunnel Crk.		307(a)		
UP & L (Wilberg)		Grassy Trail Creek				
Kaiser Steel		Iceland Creek				
Kaiser Steel						
Rio Algom						
NUCOR Steel						
US Fuel						
Casilllegate Coal		Price River				
Beaver Cr. Coal		Price River				
(coal mine)		Price River				
Reilly Tar						
Provo City Power						
Consolidated Coal						
S. Utah Fuel						
(ore mining)		San Juan River				
(coal mining)		Scottfield Res/ Pleasant Valley Creek				
Kennecott Utah Copper	UT-0024350					
Hill Air Force Base	UT-0023027					

COMMENTS ON ICS

PERMIT NAME	PERMIT REOPENER	START DRAFT ICS	REVIEW DRAFT ICS	PUBLIC NOTICE	PUBLIC HEARING	PERMIT ISSUED
UTAH						
Geneva Steel						
United Park City Mine						
-----						
UP & L (Wilberg)						
Kaiser Steel						
Kaiser Steel						
Rio Algom						
NUCOR Steel						
-----						
US Fuel						
Casiltlegate Coal						
Beaver Cr. Coal						
(coal mine)						
Reilly Tar						
-----						
Provo City Power						
Consolidated Coal						
S. Utah Fuel						
(ore mining)						
(coal mining)						
-----						
Kennecott Utah Copper						
Hill Air Force Base						

CONCURRENCE COPY

Ref: 8WM-C

Mr. John M. Garr, Director of  
Governmental and Public Affairs  
Coastal States Energy Company  
175 East 400 South, Suite 800  
Salt Lake City, Utah 84111

Re: 304(1)

Dear Mr. Garr:

As requested after the Utah Water Pollution Control Committee hearing on June 8, 1989, I have enclosed a copy of EPA's June 2, 1989 decision letter on the State of Utah's 304(1) submission.

If you have any further questions regarding the letter please telephone me at (303) 293-1593.

Sincerely yours,

Dana B. Allen  
Environmental Engineer

Enclosure

cc: Reed Oberndorfer

FCD:June 9, 1989:Dana:ks/CSEC.1tr

8WM-C  
D. Allen  
cc

CONCURRENCE COPY

JUL 14 1989

Ref: 8WM-SP

Mr. Don A. Ostler, P.E.  
Executive Secretary  
Utah Water Pollution Control Committee  
Bureau of Water Pollution Control  
Utah Department of Health  
288 North, 1460 West, P.O. Box 16690  
Salt Lake City, Utah 84116-0690

Re: Section 304(1) of the Clean Water  
Act [Surface Water Toxics Control]

Dear Mr. Ostler,

The purpose of this letter is to clarify some issues related to implementation of Section 304(1) in Utah. In particular, there are two issues: 1) How does the parallel State rulemaking activities fit in with the EPA promulgation process and 2) what are the compliance deadlines for NPDES permits issued under Section 304(1) authority?

In states such as Utah where we have disapproved lists and ICSs, the responsibility for developing the lists and issuing the individual control strategies (ICSs) can shift to the EPA. The lists and ICSs must be final by June 1990 and must be implemented in cooperation with the State, as required by the Clean Water Act. We feel there is still an opportunity for the State to participate in the listing and to also issue ICSs. At this time, the exclusive authority to issue ICSs has not reverted to EPA because we haven't provided the State with firm written notification per 40 CFR Part 123.46(f) of our intent to assume that issuing authority. Our hope is that the State will issue most ICS/NPDES permits for those dischargers that are on the final list. If it appears that the State is unable to issue an approvable ICS by June 1990, then we would notify the State of our intent to exercise issuance authority. The exceptions to this procedure are the permits for which EPA has retained issuance authority--Geneva Steel (UT-0000361) and Coastal States Coal (UT-0023540). We will continue with our plans to issue these ICS/NPDES permits.

Our comment period for the review decision on the State's 304(1) package ends in October. During this time period, the Agency can be petitioned for additions to the 304(1) lists of waterbodies and dischargers. Our decision on final lists cannot

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come until after that time period. In effect, the EPA is given authority to add to all state lists under the petition provision given in Section 304(l)(D)(3). Although we see your need for rulemaking at the State level, consideration might be given to postponing final rulemaking until EPA completes their process because of possibility of changes to the lists.

Again, our hope is that the State can still maintain responsibility in this process--particularly in issuing ICS/NPDES permits. The dischargers with an ICS must be in compliance no later than three years from the time the ICS is "established" (see 40 CFR 123.46(a)) but in no case should the deadline exceed June 4, 1993. The ICS is "established" when an acceptable NPDES permit is issued, whether by EPA or the State. In the case of Geneva Steel, the ICS/NPDES permit has been public noticed and compliance dates are included in that permit.

We hope to be working with you closely on this matter. Please call Dana Allen (303/293-1593) or Bruce Zander (303/293-1580) for more information.

Sincerely,

Max H. Dodson, Director  
Water Quality Management Division

cc: Ed Drabkowski (WH-553)  
FCD:June 28, 1989:

DEC 15 1989

Ref: 8WM-C

Mr. Fred Pehrson  
Permits and Compliance Section  
Bureau of Water Pollution  
Utah Department of Health  
P.O. Box 16690  
Salt Lake City, Utah 84116-0690

Re: CWA Section 304(1) - ICSs  
Implementation Schedule

Dear Mr. Pehrson:

Now that the public comment and petition period has closed for 304(1), it is time to finalize individual control strategies (ICSs) for each of the facilities listed on the 304(1) short list. A draft implementation schedule for writing and issuing ICS permits is attached. We need to develop our final 304(1) implementation schedule in early January, so please submit any comments or changes to this schedule by January 4, 1990.

Also within the next several weeks, we will be making the final 304(1) decisions after taking into account the petitions and comments received during the public notice period. The listed facilities are expected to remain the same as in our June 2, 1989 decision letter with the possible exception of Chevron U.S.A and Coastal States, which may be removed from the list upon further investigation.

In the attached schedule, the final permit issuing dates for all ICSs are before June 4, 1990. Similarly, the deadlines for publishing the public notice of the proposed permit are no later than March 1990. These deadlines will allow EPA sufficient time to take over writing the ICSs if the State cannot develop an approvable ICS. These state deadlines are driven by EPA's requirement to public notice all draft ICS permits by no later than June 4, 1990 (for facilities where ICSs were disapproved in June 1989).

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C/C  
12/14/89

8WMSP  
Zander  
15 Dec 89

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Ack for SB  
12-15-89



If you have any questions about ICS scheduling or wish to set up a meeting, please contact Dana Allen at (303) 293-1593.

Sincerely,

Steve A. Burkett, P.E., Chief  
Compliance Branch  
Water Management Division

cc: Don Hilden  
w/attachment

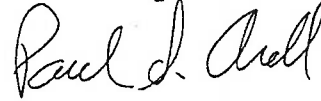
FCD:December 12, 1989:dana:ks/dana's disk/UT-ICS.SCH

UTAH

<u>Permittee</u>	<u>Permit No.</u>	<u>Issuer</u>	<u>Begin Work on ICS</u>	<u>Substantially Drafted</u>	<u>Draft Permit at Public Notice</u>	<u>Permit Issued</u>	<u>Compliance Date</u>
Geneva Steel	UT-00000361	EPA	complete	complete	07/27/89	09/28/89	/ /
United Park City Mine	UT-00222403	Utah	complete	??/ /89	01/ /90	03/01/90	/ /
UT Power & Light (Wilberg Mine)	UT-00222896	Utah	12/ /89	02/ /90	03/ /90	05/01/90	/ /
Coastal States (Utah Fuel)	UT-00233540	EPA	complete	12/ /89	01/ /90	03/01/90	/ /
Kennecott Utah Copper	UT-00000051	Utah	complete	??/ /89	01/ /90	03/01/90	/ /
Phillips 66	UT-00000507	Utah	12/ /89	01/ /90	02/ /90	04/01/90	/ /
Eastman Christensen	UT-00000531	Utah	12/ /89	02/ /90	03/ /90	05/01/90	/ /

If you have any questions about ICS scheduling or wish to set up a meeting, please contact Dana Allen at (303) 293-1593.

Sincerely,



for Steve A. Burkett, P.E., Chief  
Compliance Branch  
Water Management Division

cc: Don Hilden  
w/attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500

DENVER, COLORADO 80202-2405

Ref: 8WM-SP

JUN 2 1989

Mr. Don A. Ostler, P.E.  
Executive Secretary  
Utah Water Pollution Control Committee  
Bureau of Water Pollution Control  
Utah Department of Health  
288 North, 1460 West, P.O. Box 16690  
Salt Lake City, Utah 84116-0690

Re: EPA Decision on State Submittal Under  
Section 304(1) of the Clean Water  
Act [Surface Water Toxics Control]

Dear Mr. Ostler,

Section 304(1) of the Clean Water Act requires every State to develop lists of impaired waters, identify certain point sources and amounts of pollutants causing toxic impact, and to develop individual control strategies for each point source. In the event EPA disapproves any of the lists or strategies, then it must implement the requirements of Section 304(1) in cooperation with the State and after notice and opportunity for public comment.

In January of this year, we received Utah's final Section 304(1) lists and individual control strategies. In April, we received a letter from you effectively withdrawing the lists as official submittals because of the need for formal rulemaking. Unfortunately, we are obligated to provide a review on state submittals by June 4, 1989--well before the final rulemaking has had an opportunity to go to completion. We are constrained to disapprove the lists and individual control strategies for lack of a final submittal. Although the burden for implementing 304(1) shifts to EPA at this point, our plan is to work with you in the coming months to obtain final lists and individual control strategies.

We have reviewed your preliminary working lists as submitted in your letter of January 27, 1989. Attachment 1 provides our review of this preliminary information. We are adding three more waterbodies and dischargers to the preliminary 304(1)(B) ("short") list and the 304(1)(C) list based on recent toxicity information on these dischargers. These waterbodies and dischargers are being added to the preliminary list to form the final list. We will work in cooperation with you to develop appropriate individual control strategies for these new entries.

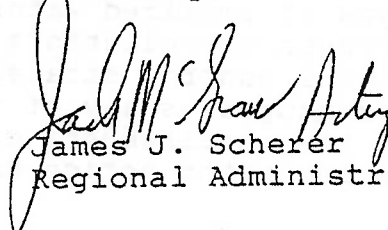
The deadline for completion of these strategies is June 4, 1990 for EPA-issued ICSs.

To fulfill our obligation for public participation, we will be 1) notifying all the dischargers on the 304(1)(C) lists as listed in Attachment 1 of our decision, 2) soliciting public comment on our decision by publishing a notice in a statewide newspaper, and (3) sending interested parties on our mailing lists a notice of our decision. Comments on EPA's decision will be due by October 4, 1989 and by the following January 4, we will issue a response to the petitions and comments we have received on our decision. We will be sending you a copy of the public notice we distribute.

Although our decision on the State's 304(1) submittal includes disapprovals, we wish to acknowledge all the good work your staff has performed in completing a comprehensive identification of surface water quality in the State.

Feel free to direct any questions pertaining to this correspondence to Bruce Zander of our staff (293-1580).

Sincerely,

  
James J. Scherer  
Regional Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

Ref: 8WM-SP

ATTACHMENT 1

SECTION 304(1) OF THE CLEAN WATER ACT:

EPA REVIEW DECISION ON SUBMITTAL FROM THE STATE OF UTAH

The State of Utah has submitted only preliminary working lists and individual control strategies. Because of the omission of final lists and strategies, none of the lists and strategies can be approved at this time.

Section 304(1)(A)(i) List of Waterbodies (Mini List)

Disapproved. (Lack of final submittal.) EPA includes no waterbodies on this list.

Section 304(1)(A)(ii) List of Waterbodies (Long List)

Disapproved. (Lack of final submittal.) EPA includes the dischargers on Attachment 2 on this list.

Section 304(1)(B) List of Waterbodies (Short List)

Disapproved. (Lack of final submittal.) EPA includes the following waterbodies along with those on Attachment 3 on this list.

- . Great Salt Lake
- . Oil Drain Canal
- . State Industrial Canal

Section 304(1)(C) List of Dischargers

Disapproved. (Lack of final submittal.) EPA included the following dischargers along with those on Attachment 3 on this list.

- . Phillips 66 (UT0000507)
- . Chevron USA (UT0000175)
- . Eastman Christiansen (UT0000531)

Section 304(1)(D) Individual Control Strategies

Disapproved. (Lack of final submittal.) EPA has reviewed the preliminary ICSs presented in the State's January 1989 submittal. EPA has responsibility to develop and issue ICSs for Geneva Steel and Coastal States Coal. The State has carried the responsibility for Kennecott, United Park City Mines, and Utah Power and Light (Wilberg). The language included in the State's January submittal is generally acceptable. For the three dischargers added to the 304(1)(C) list (Cheveron USA, Phillips 66, and Eastman Christiansen), we will be working with the State to issue final ICSs on these dischargers.

State of Utah  
304 (1)  
Long List

Ash Creek and tributaries from confluence with Virgin River to headwaters  
 Ashley Creek and tributaries from confluence with Green River to headwaters  
 Bear River and tributaries  
 Beaver River and tributaries  
 Big Brush Creek and tributaries from confluence with Green River to headwaters  
 Birch Creek and tributaries  
 Backsmith Fork and tributaries from confluence with Logan River to headwaters  
 Blue Creek and tributaries from Great Salt Lake to headwaters  
 Cub River and tributaries from confluence with Bear River to headwaters  
 Colorado River and tributaries from Lake Powell to Utah-Colorado State line  
 Corn Creek and tributaries  
 Cottonwood Creek and tributaries from confluence with Huntington Creek to headwaters  
 Curlew Creek  
 Deep Creek and tributaries  
 Dolores River and tributaries from confluence with Colorado River to headwaters  
 Duchesne River and tributaries from Lake Powell to headwaters  
 Escalante River and tributaries from Lake Powell to headwaters  
 Faust Creek and tributaries  
 Fremont River and tributaries from confluence with Muddy Creek to headwaters  
 Goose Creek and tributaries  
 Grassy Trail Creek from confluence with Price River to headwaters  
 Green River & tributaries from confluence w/Colorado River to Flaming Gorge Dam  
 Grouse Creek and tributaries  
 Hamblin Valley Wash and tributaries  
 Huntington Creek and Tributaries from confluence with Cottonwood Creek to headwaters  
 Jordan River from Farmington Bay to Utah Lake  
 Kanab Creek and tributaries from Arizona-Utah state line to headwaters.  
 Last Chance Creek from Lake Powell to headwaters  
 Little Bear River and tributaries from Cutler Reservoir to headwaters  
 Logan River and tributaries from Cutler Reservoir to headwaters  
 Mill Race from Utah Lake to headwaters  
 Montezuma Creek from confluence with San Juan River to headwaters  
 Muddy Creek from confluence with Fremont River to headwaters  
 North Fork Virgin River and tributaries  
 Ogden River and tributaries from confluence with Weber River to headwaters  
 Paria River and tributaries from Arizona-Utah state line to headwaters  
 Pariette Draw and tributaries from confluence with Green River to headwaters  
 Parley's Creek from confluence with Jordan River to headwaters  
 Pinto Creek and tributaries  
 Pole Creek and tributaries  
 Price River and tributaries from confluence with Green River to headwaters  
 Provo River and tributaries from Utah Lake to headwaters  
 Quitcupah Creek and tributaries from confluence with Muddy Creek to headwaters  
 Raft River and tributaries  
 Range Creek and tributaries from confluence with Green River to headwaters  
 Red Creek and tributaries from confluence with Green River the headwaters  
 San Juan River and tributaries from Lake Powell to Colorado-Utah state line  
 San Pitch River and tributaries from confluence with Sevier River to headwaters  
 San Rafael River & tributaries from confluence w/Green River to confluence with Ferron Creek



Santa Clara River and tributaries from confluence with Virgin River to headwaters  
 Settlement Canyon Creek and tributaries  
 Sevier River and tributaries from Sevier Lake to headwaters  
 Spanish Fork River and tributaries from Utah Lake to headwaters  
 Uinta River and tributaries from confluence with Duchesne River to headwaters  
 Virgin River and tributaries from Arizona-Utah state line to headwaters  
 East Fork Virgin River and tributaries from Glendale to headwaters  
 North Fork Virgin River and tributaries  
 Weber River and tributaries from Great Salt Lake to headwaters  
 White River & tributaries from confluence w/Green River to Colorado-Utah state line

#### Lakes/Reservoirs

Baker Dam Reservoir	Minersville Reservoir
Bear Lake	Mona Reservoir
Big Sandwash Reservoir	Navajo Lake
Bottle Hollow Reservoir	Newcastle Reservoir
Causey Reservoir	Newton Reservoir
Cedarview Reservoir	Ninemile Reservoir
Chicken Creek Reservoir	Otter Creek Reservoir
Cutler Reservoir	Palisades Lake
Decker Lake	Panguitch Lake
Deer Creek Reservoir	Pelican Lake
DMAD Reservoir	Pineview Reservoir
East Canyon Reservoir	Piute Reservoir
Echo Reservoir	Porcupine Reservoir
Electric Lake	Posey Reservoir
Fish Lake	Pruess Lake
Flaming Gorge Reservoir	Puffer Lake
Forsyth Reservoir	Quail Creek Reservoir
Gunlock Reservoir	Recapture Reservoir
Gunnison Bend Reservoir	Red Fleet Reservoir
Huntington Lake	Redmond Lake
Hyrunt Reservoir	Rockport Reservoir
Ivin's Reservoir	Salem Pond
Joe's Valley Reservoir	Scofield Reservoir
Johnson Valley Reservoir	Settlement Canyon Reservoir
Kolob Reservoir	Sevier Bridge (Yuba) Reservoir
Koosharem Reservoir	Starvation Reservoir
Lake Powell	Steinaker Reservoir
Lake Boreham	Strawberry Reservoir
Little Creek Reservoir	Tony Grove Reservoir
Lost Creek Reservoir	Towave Reservoir
Lower Bowns Reservoir	Tropic Reservoir
Lower Gooseberry Reservoir	Upper Enterprise Reservoir
Mantua Reservoir	Utah Lake
Marsh Lake Mill Hollow Reservoir	Wide Hollow Reservoir
Mill meadow Reservoir	Willard Bay
Millsite Reservoir	Woodruff Creek Reservoir

State of Utah  
304 (1) Short List  
Individual Control Strategies (ICS)

<u>Waterbody</u>	<u>Major Discharger</u>	<u>Permit Number</u>
Cottonwood Creek	UP&L Wilberg Mine	UT0022896
Kersey Creek/C7 Ditch	Kennecott	UT0000051
		UT0024350
Pleasant Valley Creek/Eccles Creek	Coastal States Coal*	UT0023540
Provo River/Drain Tunnel Creek	United Park City Mines	UT0022403
Utah Lake	Geneva Steel*	UT0000361

\* EPA Region VIII is responsible for scheduling and reissuance of these permits with the inclusion of Individual Control Strategies.